



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

COPY

Ref: 8ENF-W

JUN 17 2005

CERTIFIED MAIL 7004 2510 0004 8289 5560
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Larry Jorgenson, Chair
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act Enforcement
Action against
Snake River Mobile Home Park
PWS ID#5600214

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Snake River Mobile Home Park, Jackson, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The system is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21(b)(5), 141.23(d), 141.23(c)(1), 141.24(f), 141.24(f)(4), 141.24(h)(4)(ii), 141.24(h)(4)(i), 141.81(e), 141.26(a)(3), 141.26(a)(1)(ii), 141.132(b), 141.132(c), 141.152-155, 141.21(a)(1), 141.201, 141.21(g)(2), 141.21(g)(1), 141.31(b) for failure to comply with the MCL for total coliform bacteria; failure to collect a set of repeat samples after a total coliform positive result; failure to collect additional routines the month following a total coliform positive result; failure to monitor the water for nitrate; failure to monitor the water for inorganic contaminants; failure to conduct routine monitoring for volatile organic contaminants; failure to conduct initial monitoring for volatile organic contaminants; failure to conduct routine monitoring for pesticide/herbicide organic contaminants; failure to conduct initial monitoring for pesticide/herbicide organic contaminants; failure to install optimal corrosion control treatment after exceeding the action level for copper; failure to conduct routine monitoring for radionuclides; failure to conduct initial monitoring for radionuclides; failure to monitor the water for disinfection byproducts; failure to monitor the water for residual disinfectant; failure to include all appropriate content in consumer confidence reports to water users; failure to submit to EPA a sample siting plan; failure to notify the public of the violations; and failure to report violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Gina Andrews at (303) 312-6688.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

JUN 17 2005

CERTIFIED LETTER 7003 2260 0001 7791 0836
RETURN RECEIPT REQUESTED

Alan Bybee, Operator/Owner
Snake River Mobile Home Park
P.O. Box 1153
Jackson, WY 83001

Donna Shepherd, Registered Agent
SSDA, LLC.
1055 South Gregory Ln.
P.O. Box 3393
Jackson, WY 83001

Re: Administrative Order
Docket No. **SDWA-08-2005-0028**
PWS ID #WY5600214

Dear Mr. Bybee and Ms. Shepherd:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Snake River Mobile Home Park is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.21(b), 141.21(b)(5), 141.23(d), 141.23(c)(1), 141.24(f), 141.24(f)(4), 141.24(h)(4)(ii), 141.24(h)(4)(i), 141.81(e), 141.26(a)(3), 141.26(a)(1)(ii), 141.132(b), 141.132(c), 141.152-155, 141.21(a)(1), 141.201, 141.21(g)(2), 141.21(g)(1), 141.31(b) for failure to comply with the MCL for total coliform bacteria; failure to collect a set of repeat samples after a total coliform positive result; failure to collect additional routines the month following a total coliform positive result; failure to monitor the water for nitrate; failure to monitor the water for inorganic contaminants; failure to conduct routine monitoring for volatile organic contaminants; failure to conduct initial monitoring for volatile organic contaminants; failure to conduct routine monitoring for pesticide/herbicide organic contaminants; failure to conduct initial monitoring for pesticide/herbicide organic contaminants; failure to install optimal corrosion control treatment after exceeding the action level for copper; failure to conduct routine monitoring for radionuclides; failure to conduct initial monitoring for radionuclides; failure to monitor the water for disinfection byproducts; failure to monitor the water for residual disinfectant; failure to include all appropriate content in consumer confidence reports to water users; failure to submit to EPA a sample siting plan; failure to notify the public of the violations; and failure to report violations to EPA.

Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.



Printed on Recycled Paper

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses, is enclosed with this letter. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources which may also be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at www.lgean.com or by calling (877) 865-4326. SBREFA does not eliminate your responsibility to comply with the SDWA.


Among other things, the Order calls for you to provide a public notification of violations of the SDWA. For your convenience, we have enclosed some template forms to assist you in providing the required public notice. If you have any questions or comments concerning the form of the public notice, please do not hesitate to contact Gina Andrews of the EPA, whose telephone number is provided below.

It has come to our attention that the chlorinator installed on the new well has not been permitted and/or approved by the Wyoming Department of Environmental Quality (WDEQ). We recommend that you contact the appropriate WDEQ district office to obtain information on permitting requirements for this equipment. Based on the location of your system, you should contact the Northwest District office located at 250 Lincoln Street, Lander, Wyoming at (307) 322-3144 regarding this issue.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Gina Andrews at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Andrews at (800) 227-8917, extension 6688, or (303) 312-6688. If you wish to have an informal conference with EPA, you may also call or write Ms. Andrews. If you are represented by an attorney or have legal questions, please call Michelle Marcu at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
Public Notice template

cc: Wyoming DEQ (via email)
Wyoming DOH (via email)



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We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order

Public Notice template

cc: Wyoming DEQ (via email)
Wyoming DOH (via email)



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2005 JUN 17 PM 1:33

IN THE MATTER OF)

Alan Bybee, Operator/Owner)

SSDA, LLC, Owner)

Snake River Mobile Home Park)

Jackson, Wyoming)

Respondents)

Proceedings under Section 1414(g))

of the Safe Drinking Water Act,)

42 U.S.C. § 300g-3(g))

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2005-0028

FILED
EPA REGION VIII
HEARING CLERK

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Alan Bybee is an individual and SSDA, LLC is a limited liability company under the laws of the State of Wyoming as of December 1994, (collectively "Respondents") and therefore are "persons" within the meaning of 40 C.F.R. § 141.2.
2. Respondents own and/or operate a system, the Snake River Mobile Home Park Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.

3. The System regularly serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a July 23, 2002 sanitary survey by an agent for EPA, Respondent operates a system that is supplied by a ground water source consisting of three wells. The system serves approximately 60 persons per year through 28 service connections, and is operational year-round.
6. As a result of the Emergency Administrative Order, Docket No. SDWA-08-2001-32 issued to the System on September 19, 2001, Respondents drilled a new groundwater well at the site. According to an agent for EPA, who made several on-site visits, this well was put online sometime between August and November 2004. In addition it was noted that two of the groundwater wells mentioned in paragraph 5 are no longer in use and valved-off from the distribution system. Currently only the new ground water well serves the water system.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per month to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during September 2004 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

II.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of repeat samples for the September 2000 total coliform positive sample, in violation of 40 C.F.R. § 141.21(b). Respondent failed to collect the correct number of repeat samples for the February 2003, August 2004 and September 2004 total coliform positive routine samples, also in violation of 40 C.F.R. § 141.21(b).

III.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in March 2003 and September 2004 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5).

IV.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondent failed to monitor annually for nitrate in 2004, in violation of 40 C.F.R. § 141.23(d).

V.

1. 40 C.F.R. § 141.23(c)(1) requires community and non-transient, non-community water systems utilizing groundwater sources to monitor the water once in each 3-year compliance period to determine compliance with the MCL for inorganic contaminants as stated in 40 C.F.R. § 141.62.

2. Respondent has failed to monitor the water for inorganic contaminants during the 3-year compliance period January 1, 2002 – December 31, 2004, in violation of 40 C.F.R. § 141.23(c)(1).

VI.

1. 40 C.F.R. § 141.24(f)(5)-(6) allows community and non-transient, non-community water systems with no previous detections to monitor the water triennially to determine compliance with the MCLs for volatile organic contaminants as stated in 40 C.F.R. § 141.61.
2. Respondent has failed to monitor the water for volatile organic contaminants during the 3-year compliance period January 1, 2002 – December 31, 2004, in violation of 40 C.F.R. § 141.24(f).

VII.

1. 40 C.F.R. § 141.24(f)(4) requires community and non-transient, non-community water systems to take four consecutive quarterly samples to be analyzed for volatile organic contaminants beginning in the initial compliance period.
2. Respondent failed to conduct initial quarterly monitoring after installation of a new well for volatile organic contaminants 1st Quarter (January – March) 2005 and 2nd Quarter (April – June) 2005, in violation of 40 C.F.R. § 141.24(f)(4).

VIII.

1. 40 C.F.R. § 141.24(h)(4)(ii) requires all community and non-transient, non-community water systems that have no detects during initial monitoring and have

a population less than 3,301, to monitor the water once during each repeat compliance period to determine compliance with the MCL for pesticide/herbicide organic contaminants as stated in 40 C.F.R. § 141.61(c).

2. Respondent failed to monitor the water for pesticide/ herbicide organic contaminants during the 3-year compliance period January 1, 2002 – December 31, 2004, in violation of 40 C.F.R. § 141.24(h)(4)(ii).

IX.

1. 40 C.F.R. § 141.24(h)(4)(i) requires all community and non-transient, non-community water systems to take four consecutive quarterly samples to be analyzed for pesticide/ herbicide organic contaminants beginning in the initial compliance period.
2. Respondent failed to conduct initial quarterly monitoring after installation of a new well for pesticide/ herbicide organic contaminants 1st Quarter (January – March) 2005 and 2nd Quarter (April – June) 2005, in violation of 40 C.F.R. § 141.24(h)(4)(i).

X.

1. 40 C.F.R. § 141.81(e) requires community public water systems that exceed the lead or copper action level to recommend treatment for corrosion control within six months of exceeding the lead or copper action level, and to install optimum corrosion control treatment within 24 months after EPA designates such treatment.

2. Respondent has not recommended treatment for corrosion control after monitoring results exceeded the copper action level in 1994, 1996, and 1998 nor has Respondent installed corrosion control treatment, and, therefore, has been in continuous violation of 40 C.F.R. § 141.81(e) from 1994 until the two older groundwater wells were disconnected from the distribution system.

XI.

1. 40 C.F.R. § 141.26(a)(3) requires community water systems to monitor the water once every 4 years to determine compliance with the MCL for radioactivity, as stated in 40 C.F.R. § 141.15.
2. Respondent last monitored for radioactivity in 2003 but failed to monitor the water during the 4-year compliance period January 1, 1999 – December 31, 2002, in violation of 40 C.F.R. § 141.26(a)(3).

XII.

1. 40 C.F.R. § 141.26(a)(1)(ii) requires all new community water systems or community water systems that use a new source of water to conduct initial quarterly monitoring for radionuclides of the source within the first quarter after initiating use of the source to monitor the water.
2. Respondent failed to conduct initial quarterly monitoring after installation of a new well for radionuclides 1st Quarter (January – March) 2005 and 2nd Quarter (April – June) 2005, in violation of 40 C.F.R. § 141.26(a)(1)(ii).

XIII.

1. 40 C.F.R. § 141.132(b) requires the owner and/or operator of a public water system served only by a ground water source providing water to less than 10,000 persons and using chemical disinfectant to collect one water sample per year per treatment plant to determine compliance with the maximum contaminant level (MCL) for disinfection byproducts, as stated in 40 C.F.R. § 141.64.
2. Respondent failed to monitor the water for disinfection byproducts during 2004, in violation of 40 C.F.R. § 141.132(b).

XIV.

1. 40 C.F.R. § 141.132(c) requires community and non-transient, non-community water systems that use chlorine or chloramines to measure the residual disinfectant level in the distribution system at the same point and at the same time as total coliforms are sampled.
2. Respondent failed to monitor the water for maximum residual disinfectant in October 2004, in violation of 40 C.F.R. § 141.132(c).

XV.

1. 40 C.F.R. §§ 141.152-155 require community water systems to prepare and deliver an annual Consumer Confidence Report (CCR) to its customers by July 1 each year. These reports must contain data collected during the previous calendar year, including information regarding violations the water system incurred during that year.

2. Respondent failed to include appropriate content in the System's annual CCRs for 2002 and 2003, in violation of 40 C.F.R. §§ 141.152-155. The 2002 report did not include the 2002 failure to monitor radionuclide violation. The 2003 report did not include the February and March 2003 total coliform violations.

XVI.

1. 40 C.F.R. § 141.21(a)(1) requires public water systems to collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan.
2. Respondent has failed to submit a total coliform sample siting plan, in violation of 40 C.F.R. § 141.21(a)(1).

XVII.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the violations detailed in the preceding Sections I, X, XI, XV, XVI, in violation of 40 C.F.R. § 141.201.

XVIII.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Sections II, III and XVI above, in violation of 40 C.F.R. § 141.21(g)(2).

XIX.

1. 40 C.F.R. 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violation detailed in Section I, in violation of 40 C.F.R. § 141.21(g)(1).

XX.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Sections IV through XV and XVII above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21 to perform monthly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
2. If the System has a total coliform MCL violation, Respondent shall within 30 days submit to EPA detailed plans for bringing the System into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be within 180 days from the date of the MCL violation) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence.
3. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of

the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

4. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
5. Within 30 days of the date of this Order, and per the regulation thereafter, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

6. Within 30 days of the date of this Order, and per the regulation thereafter, Respondent shall comply with the inorganic chemicals monitoring requirements as stated in 40 C.F.R. § 141.23(c)(1) to determine compliance with the inorganic MCL appearing at 40 C.F.R. § 141.62. Respondent shall report analytical results to the EPA within the first 10 days following the month which results are received, as required by 40 C.F.R. § 141.31(a).
7. Within 60 days of the effective date of this Order, and per the regulation thereafter, Respondent shall conduct initial quarterly monitoring for volatile organic contaminants as required by 40 C.F.R. § 141.24(f)(4). Respondent must monitor quarterly at each sampling point for four consecutive quarters to determine compliance with the MCL for volatile organic contaminants as stated in 40 C.F.R. § 141.61. Respondent shall report analytical results to EPA within the first 10 days following the month which results are received, as required by 40 C.F.R. § 141.31(a).
8. Within 90 days of the date of this Order, and per the regulation thereafter, Respondent shall conduct initial quarterly monitoring for pesticide/herbicide organic contaminants as required by C.F.R. § 141.24(h)(4)(i). Respondent must monitor quarterly at each sampling point for four consecutive quarters to determine compliance with the MCL for pesticide/herbicide organic contaminants as stated in 40 C.F.R. § 141.61(c). Respondent shall report analytical results to

EPA within the first 10 days following the month which results are received, as required by 40 C.F.R. § 141.31(a).

9. Within 30 days of the effective date of this Order, and again between January – June 2006, Respondent shall comply with the requirements as specified in the Safe Drinking Water Act and 40 C.F.R. Part I (Control of Lead and Copper).

Respondent shall:

- (a) Collect 5 samples that are first-draw, one-liter in volume, and have stood motionless in the plumbing system for at least 6 hours in accordance with 40 C.F.R. § 141.86(b) at sampling sites selected in accordance with 40 C.F.R. § 141.86(a);
- (b) Have samples analyzed by an EPA-certified laboratory, in accordance with 40 C.F.R. § 141.90;
- (c) Report the results of the tap water monitoring to EPA within 10 days of receiving the results in accordance with 40 C.F.R. § 141.90(a), including:
 - i. the location of each site and criteria under which the site was selected for the system's sampling pool;
 - ii. certification that each first draw sample collected is one-liter in volume, and to the best of one's knowledge, has stood motionless in the service line, or in the interior plumbing of a sampling site, for at least 6 hours;
 - iii. where residents collected the samples, a certification that each tap

sample collected by the residents was taken after the water system informed them of proper sampling procedures specified in 40 C.F.R. § 141.86(b)(2); and,

- iv. the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period calculated in accordance with 40 C.F.R. § 141.80(c)(3).

10. If the System's water does not exceed the lead and copper action levels, 0.015 mg/L and 1.3 mg/L respectively, during the monitoring periods in paragraph 9 above, Respondent shall monitor for lead and copper in accordance with 40 C.F.R. § 141.86(d). EPA will notify the Respondent in writing to outline future monitoring requirements for lead and copper.
11. If any of the monitoring results collected as required in paragraph 9 of this Order exceed the action level for lead or copper as set forth in 40 C.F.R. § 141.80(c), Respondent shall, within two weeks of receiving the monitoring results, comply with all the requirements for water quality parameter (WQP) monitoring and reporting as specified in 40 C.F.R. §§ 141.87, 141.89, and 141.90 and for source water monitoring and reporting as specified in 40 C.F.R. §§ 141.88, 141.89, and 141.90. Respondent shall report results to EPA within 10 days of receiving the results. Respondent shall:
 - (a) Collect 1 tap sample at 1 site that is representative of water quality

throughout the distribution system in accordance with 40 C.F.R. §§ 141.87(a)(1)(i) and 141.87(a)(2)(i). Respondent may collect WQP samples at the same locations as those used for coliform sampling under 40 C.F.R. § 141.21.

- (b) Collect 1 sample for each applicable WQP at each entry point(s) to the distribution system that are representative of water quality throughout the distribution system in accordance with 40 C.F.R. §§ 141.87(a)(1)(ii) and 141.87(a)(2)(ii). The applicable WQPs are specified in 40 C.F.R. § 141.87(b) and are:
 - i. pH
 - ii. alkalinity
 - iii. orthophosphate (when an inhibitor containing a phosphate compound is used)
 - iv. silica (when an inhibitor containing a silicate compound is used)
 - v. calcium
 - vi. conductivity, and
 - vii. water temperature
- (c) Collect one source water sample from each entry point to the distribution system, in accordance with 40 C.F.R. §§ 141.88(a) and (b).
- (d) Have samples analyzed by an EPA-certified laboratory, in accordance with 40 C.F.R. § 141.89.

12. If the monitoring results collected as required in paragraph 9 of this Order exceed the action level for lead or copper as set forth in 40 C.F.R. § 141.80(c), Respondent shall, within three months of exceeding the action level, provide optimal corrosion control and source water treatment recommendations to EPA. Within eight months of obtaining EPA's approval of the treatment recommendations, Respondent shall have optimal corrosion control and, if applicable, source water treatment installed. Within one week of project completion, Respondent shall notify EPA in writing that the project is complete.

- a) After installation of optimal corrosion control treatment, Respondent shall collect 10 tap samples during each two consecutive 6-month monitoring periods (January-June and July-December) immediately following treatment installation, in accordance with 40 C.F.R. Part I and as outlined in paragraph 9(a) through (c) above. Respondent shall report the results of the tap water monitoring to EPA for lead and copper within 10 days following the end of each monitoring period, in accordance with 40 C.F.R. § 141.90(a). The System must also continue WQP monitoring during these periods as follows: a) two samples must be collected at one site in the distribution system during each 6-month monitoring period AND 2) one sample must be collected at each entry point to the distribution system every two weeks. Respondent shall submit monitoring results to EPA within 10 days of receiving the results.

- b) After installation of optimal corrosion control treatment, if the System meets the lead and copper action levels during both monitoring periods as mentioned in paragraph (a) above, the frequency and number of tap and WQP samples may be reduced according to 40 C.F.R. §§ 141.86(d)(4) and 141.87(d). EPA will notify the Respondent in writing to outline future monitoring requirements for lead and copper.
 - c) After installation of corrosion control treatment if the System exceeds the lead or copper action level during either monitoring period, EPA will, based upon the WQP results collected during the twelve month period in paragraph 12(a) above, establish WQP values the System must meet in all subsequent monitoring periods to remain in compliance.
13. Within 30 days of the effective date of this Order, and per the regulation thereafter, Respondent shall conduct initial quarterly monitoring for radionuclides as required by 40 C.F.R. § 141.26. Respondent must monitor quarterly at each sampling point for four consecutive quarters to determine compliance with the MCL for radionuclides as stated in 40 C.F.R. § 141.66. Respondent shall report the results to EPA within the first 10 days following the month analytical results are received, as required by 40 C.F.R. § 141.31(a)(1).
14. Between June and August 2005, and per the regulation thereafter, Respondent shall comply with monitoring requirements for disinfection byproducts, as stated in 40 C.F.R. § 141.132(b). Respondent shall collect one sample per year per

treatment plant at a location that represents maximum residence time to be analyzed for total trihalomethane (TTHM) and haloacetic acids (five) (HAA5) to determine compliance with the disinfection byproduct MCL as stated in 40 C.F.R. § 141.64(a). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. §§ 141.134(a) and (b).

15. Upon the effective date of this order, Respondent shall comply with monitoring requirements for disinfection residuals as stated in 40 C.F.R. § 141.132(c). Respondent shall monitor maximum residual disinfectant (i.e., chlorine residual) at the same time and place as total coliform to determine compliance with the MCL for residual disinfectant as stated in 40 C.F.R. § 141.65(a).
16. No later than July 1, 2005, Respondent shall prepare the 2004 Consumer Confidence Report containing complete and accurate drinking water data from January 2004 through December 2004, and deliver the report to the System's customers, in accordance with 40 C.F.R. §§ 141.152-155. This report shall include all violations occurring at the system during calendar year 2004. Respondent shall provide EPA a copy of the 2004 CCR, along with a certification of the date and method of distribution of the CCR to the System's customers no later than 10 days after distribution. Respondent shall prepare and deliver complete and accurate CCRs annually thereafter by July 1, and provide

certification annually thereafter by October 1 to remain in compliance with 40 C.F.R. §§ 141.152-155.

17. Within 30 days of the effective date of this Order, Respondent shall provide EPA with a written sample siting plan for total coliform monitoring, as required by 40 C.F.R. § 141.21(a).
18. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violation(s) specified under the Findings of Violation in this Order **OR** Respondent may use an annual report detailing all violations and situations that occurred in the 12 months covered by the report, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the Internet; or delivery to community organizations. The System must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days. Respondent may use the Consumer Confidence Report

("CCR") to provide public notice as long as (1) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation; (2) The public notice contained in the CCR follows the content requirements under 40 C.F.R. § 141.205; AND (3) The CCR is distributed following the delivery requirements under 40 C.F.R. § 141.204(c). Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

19. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
20. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
21. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

22. Reporting requirements specified in this Order shall be provided by certified mail to:

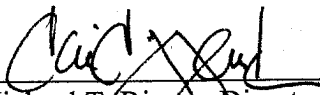
U. S. EPA Region 8 (8P-MS-W)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

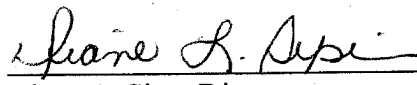
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order, may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations, may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 17th day of June, 2005.



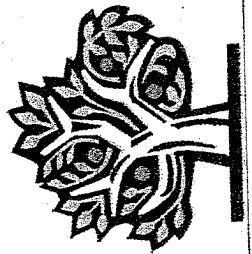
Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



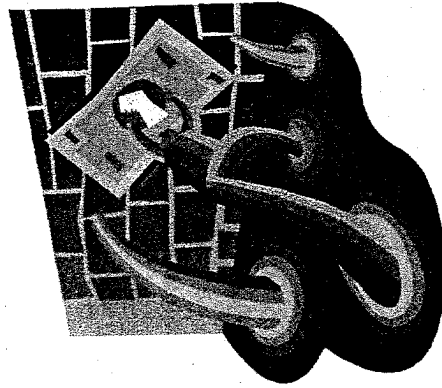
Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

WYOMING
WATER/WASTEWATER
TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



FUNDING OPTIONS
FOR
PRIVATELY-OWNED
PUBLIC WATER
SYSTEMS IN
WYOMING





U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman